



April 28, 1999

Ms. Linda Wiegman, Supervising Attorney
Office of General Counsel
Texas Department of Health
1100 West 49th Street
Austin, Texas 78756-3199

OR99-1163

Dear Ms. Wiegman:

You ask whether certain information is subject to required public disclosure under the Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 123718.

The Texas Department of Health (the “department”) received a request for “all complaints, investigations and resolutions regarding EMS in Grand Prairie, Texas for the past five years.” You contend that the requested information is excepted from disclosure pursuant to section 552.101 of the Government Code in conjunction with section 773.0612 of the Health and Safety Code and section 157.18(d) of title 25 of the Texas Administrative Code. We have considered the exception you claim and have reviewed the documents at issue.

Section 552.101 of the Government Code provides that information is protected from disclosure under the Public Information Act if it is confidential by law. Pursuant to chapter 773 of the Health and Safety Code, the department licenses emergency medical services providers. Section 773.0612(a) provides that the department “is entitled to access to records and other documents maintained by a person that are directly related to patient care or to emergency medical services personnel to the extent necessary to enforce this chapter and the rules adopted under this chapter.” Section 773.0612(b) provides that “[a] report, record, or working paper used or developed in an investigation under this section is confidential and may be used only for purposes consistent with the rules adopted by the board.” Section 157.18(d) of title 25 of the Texas Administrative Code states that records used or developed during the investigation of an emergency medical services provider “are confidential and may only be used for determining violations or deficiencies and for disciplinary action.”

The documents at issue constitute the department's investigation file on a complaint made against Rural Metro of Grand Prairie. Because the documents are records used or developed during the complaint investigation, they are confidential under section 773.0612(b). In this case, it does not appear that section 157.18(d) would allow for the release of these documents to the requestor. Accordingly, the department must withhold the documents from disclosure pursuant to section 552.101.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in cursive script, reading "Karen Hattaway".

Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/ch

Ref.: ID# 123718

encl. Submitted documents

cc: Ms. Dee Beacham
City of Grand Prairie
318 W. Main
Grand Prairie, Texas 75050
(w/o enclosures)